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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,344	11/24/2003	Robert Gentile	500219.02	4725

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EXAMINER	
PROCTOR, JASON SCOTT	
ART UNIT	PAPER NUMBER
2123	

MAIL DATE	DELIVERY MODE
03/04/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No.	Applicant(s)	
	10/722,344	GENTILE ET AL.	
	Examiner	Art Unit	
	Jason Proctor	2123	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 11 February 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☒ The period for reply expires 6 months from the mailing date of the final rejection.
   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.
   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: *32,34-36,38-40,42-45 and 47-83*.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Paul L Rodriguez/
Supervisory Patent Examiner, Art Unit 2123

Continuation of 11. does NOT place the application in condition for allowance because: Amendments to claims 36 and 45 alter the scope of claims, requiring further search and/or consideration, and will not be entered. Regarding the 112 rejections for lack of antecedent basis in claims 57 and 67, Applicants remarks appear to be correct, however the phrase "the Internet" appears to lack antecedent basis in these claims.

Applicants' remarks that the claims are not limited to "purely software" are noted. The objection is based upon the observation that the claimed invention may be interpreted as comprising purely software, and that objection is maintained.
Regarding the 102 rejections based upon Intel, Applicants arguer that Intel fails to disclose the "executing a computer program comparing identifying information..." The Examiner submits that Intel discloses this limitation. For example, pages B-3 to B-4 describes a computer program ("Application processor startup") that compares identifying information with accessed processor compatibility information ("MP configuration table") to determine processors that are compatible and providing identifying information before adding the new processor ("a BSP cannot start up an AP unless it already knows the local APIC ID").

Regarding Applicants' remarks that in Intel, "Compatibility with processors that are not present, for example, a processor that has yet to be added to the multiprocessor computer, is not provided" are noted. The Examiner submits that the claim language "selecting a compatible processor for addition to a multiprocessor computer" may be interpreted as meaning "selecting a compatible processor for addition to the currently executing multiprocessor computer" as described by Intel. An AP that is not present in an existing configuration must be "added" to the multiprocessor computer, provided space exists in the configuration, before it can be used.

Applicants' remarks that Ghori does not disclose "executing a computer program comparing identifying information..." are noted. However, in addition to Applicants' characterization of Ghori, it is also disclosed that where an incompatible processor is installed, the operating system chooses not to start the upgrade processor, i.e. that processor is not "added" to the multiprocessor computer. In light of this disclosure, Applicants' arguments are unpersuasive.

In general, the Examiner submits that "adding" a processor to a multiprocessor computer would be interpreted by one of ordinary skill in the art as meaning both "physically inserting" a processor as well as "adding a processor to a current configuration." I.e., a processor that is physically inserted but not utilized by the multiprocessor computer has not been "added" to the multiprocessor computer. Claim language that clarifies Applicants' interpretation of the invention may overcome the prior art references of record.

Applicants' request that the "OpenVMS DCL Dictionary" reference be considered is noted. However, the Examiner cannot locate this reference in the parent application, the instant application, or through the internet. Therefore, at the present time, the Examiner is unable to consider the reference.